



***Comments to the Michigan Senate Agriculture Committee  
Regarding Recent Changes to the 2014 Site Selection GAAMP  
May 15, 2014***

In late 2011, two members of this Senate Agriculture Committee prepared legislation to amend the Michigan Right to Farm Act, to exempt Detroit from those protections. Indeed, on November 29<sup>th</sup>, 2011, mlive reported that Senators Joe Hune and Virgil Smith would be introducing that legislation later that day. That bill was never introduced, however, and by early December 2011 Virgil Smith provided an explanation: "Before I introduced my bill which would allow Detroit to control agricultural development in the city, the Michigan Department of Agriculture asked me to wait so they could better explain what they are doing on this issue. On December 14, 2011 the Department will hold a meeting that will allow municipalities with a population of 50,000 or more the ability to regulate farming activity."

In retrospect, this decision represents a transfer of authority over which of our governmental bodies should decide who is protected by the Right to Farm Act. The original assumption by Senators Hune and Smith was that exempting Detroit from Right to Farm protection was a legislative issue that should rightfully be decided by a vote of the Michigan legislature. But both MDARD and the Michigan Farm Bureau intervened, and by the end the authority to make that decision was given over to a 5-member appointed Commission of Agriculture. Senators Hune and Smith did follow up, and asked Attorney General Bill Schuette to provide a formal opinion on the legalities of the change to the 2012 GAAMPs Preface approved by the Agriculture Commission, but no formal opinion was ever issued. The Michigan Small Farm Council estimates that 1.5 million Michigan residents lost Right to Farm protection as a result of these events, despite the fact that our legislature did not cast a single vote.

The situation with the 2014 Site Selection GAAMPs is similar to the situation with the 2012 Preface, in that the Agriculture Commission has again chosen to use its authority over the GAAMPs to greatly restrict the number of people in Michigan who can earn Right to Farm protection, for reasons that have nothing to do with generally accepted agricultural and management practices. From a legal standpoint, the Michigan Small Farm Council has again made the argument that neither MDARD nor the Commission of Agriculture have the right to deny Michigan citizens legal protections that have been enacted by the legislature. Today we go even further, and assert that even if this legislative body cedes its authority to determine who is and who is not protected by Right to Farm to a state agency, we do not cede our right to be ruled by laws that are established by elected officials, rather than appointed ones.

This issue, however, is not just about who gets to decide who is protected by Right to Farm In Michigan, it is also about what they decide. In January, during a 2 week public comment period, nearly 700 individual small farmers and their supporters wrote to the Commission of Agriculture to convey why the ability to participate in agriculture is important to them. Since then, hundreds of more comments have been received, and more still are arriving today. We call on you to both take back the authority to determine who is and who is not protected by the Right to Farm Act, and then to ensure that everyone in Michigan continues to have the right to participate in agriculture, wherever they may live.